

Serial No. 09/519,551

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NPIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

JOSEPH W. TRIEPELS ET AL

PHN 17,326

Serial No.: 09/519,551

Art Unit: 22674

Filed: March 6, 2000

Examiner: ABDULSELAM

Title: DISPLAY DEVICE

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JUL 16 2003

Commissioner for Patents
Alexandria, VA 22313-1450

Technology Center 2600

PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

It is respectfully requested that the holding of abandonment of the above-identified patent be withdrawn. Failure to receive a timely replay to the Office letter mailed January 24, 2003 occurred unavoidably due to an oversight and clerical error which Petitioners believe occurred at the USPTO.

Petitioners filed a Continued Prosecution Application ("CPA") under 37 CFR 1.53(d) on February 13, 2003 with a request that the amendment under 37 C.F.R. 1.116 filed December 20, 2002 in response to the November 19, 2002 Office Action be entered. This CPA included a certificate of mailing, and as per 37 CFR 1.8(a)(i) - (ii), the correspondence is thus considered timely filed because it was sent prior to the expiration of time, addressed correctly and mailed with sufficient postage (as

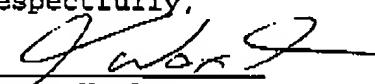
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indicated by the certificate of mailing), and includes a certificate for each piece of correspondence stating the date of deposit (as indicated by the certificate and the checked boxes on the CPA request). Thus the response was timely filed upon the mailing date. Copies of the CPA request, the post card indicating proof of receipt at the USPTO on February 14, 2003, and a copy of the express mail label are attached hereto.

In a telephone conversation on or about July 2, 2003, Petitioners' agent spoke with Examiner Abdulselam who recommended filing this petition, as the February 13, 2003 CPA request was not received.

As per M.P.E.P. § 711.03(c)(I), a petition under 37 CFR § 1.181(a) requires no fee. The Commissioner of Patents is hereby authorized to charge any additional fees or surcharges that may be required, or credit any overpayment to Account No. 14-1270.

Respectfully,



Aaron Waxler

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July 8, 2003